

The Salisbury Planning Board held its regular meeting Tuesday, February 13, 2007, in the City Council Chamber of the Salisbury City Hall located at 217 S. Main Street at 4 p.m. with the following being present and absent:

PRESENT: Dr. Mark Beymer, Robert Cockerl, Nathan Chambers, Tommy Hairston, Lou Manning, Brian Miller, Sandy Reitz, Valarie Stewart, Albert Stout, Price Wagoner, and Diane Young

ABSENT: None

STAFF: Preston Mitchell, Diana Moghrabi, David Phillips

Chairman Brian Miller called the meeting to order and offered the invocation. The minutes of the January 23, 2007, meeting were approved as published. The Planning Board adopted the agenda as submitted.

## **NEW BUSINESS**

### **A. Zoning Map Amendments**

- Explanation of procedure
- Staff Presentation
- Courtesy Hearing
- Board discussion
- Statement of Consistency and Motion

- 1) **Z-14-06** Don & Betty Bills (Oak Hollow Associates, Ltd.)  
Address: 2 Wood Avenue  
Tax Map–Parcel: 333-016  
Size / Scope: Approximately 0.76 acres, 1 parcel  
From: LOI (Limited Office/Institution) district  
To: B-RT (Business–Retail Trade) district  
This site is located within a GD-A Overlay.

Nathan Chambers recused himself due to conflict of interest.

Preston Mitchell made a staff presentation. Below are excerpts from the staff report.

The property in question is currently vacant and treed. The shape of the property is an ‘L’ with frontage along Jake Alexander Boulevard West, Wood Avenue, and Rose Lane.

Proposed Zoning: The retail business district (B-RT) is intended primarily for the retailing of merchandise and the location of commercial activities which serve community trade areas.

**Existing Zoning:** The limited office institutional district (LOI) is intended primarily as a mutually exclusive non-cumulative zoning district for specific office institutional uses, particularly for the location of uses of a service type which do not maintain a stock of goods for retail or wholesale trade.

The general development-A district (GD-A) shall be an additional zone overlapping any of the commercial or industrial zoning districts of the zoning ordinance. The general development-A district is intended as an area where any use authorized in the basic (underlying) zoning district shall be permitted only when it is developed and maintained in accordance with a site plan approved by the city council.

#### ADJACENT LAND USES AND ZONING

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of property	Office and banking across Wood Avenue	LOI w/ GD-A Overlay
East of property	Residential	R-8
South of property	Office	LOI-S w/ GD-A Overlay
West of property	Retail & Restaurant (Salisbury Mall) across Jake Alexander Boulevard West	B-7

This property is located within the 2000 Strategic Growth Plan as well as the 2020 Comprehensive Plan's *Primary Growth* boundary.

**Policy 5.9** Effective buffering and/or landscaping shall be provided where commercial development adjoins existing or planned residential uses.

**Policy N-12** Appropriate commercial and other services may be permitted to locate at the corners of neighborhood planning areas. Existing, less intensive development located at the intersection of major streets forming the corner of a neighborhood planning area may be allowed to undergo an orderly transition in this regard.

Development in the B-RT district will be required to provide an E-buffer yard (25') with Complete Visual Separation against the R-8 district and a C-buffer yard (15') against the LOI district.

Staff believes that rezoning TM&P 333-016, as requested, is generally not consistent with the goals, objectives, and policies of the 2000 Strategic Growth Plan and the Vision 2020 Comprehensive Plan; therefore, staff recommends denial of the petition to rezone TM&P 333-016 from LOI district to B-RT district. Staff recommends denial of the B-RT based on the established zoning pattern north of the site and south of the site as a transitional zone for the adjacent neighborhood. Also, staff recommends denial based on the development of the

site as a standalone B-RT could have a negative impact on that adjacent smaller site. Development in the B-RT needs to be clustered and planned.

*Those speaking in opposition—none*

*Those speaking in favor*

Betty Bills thanked the Board for their consideration. She has had some inquiries from potential buyers for uses other than Office/Institutional and she wanted to pursue that option.

*Board discussion*

Dr. Mark Beymer said he was concerned because there is a consistent pattern of LOI north and south along Statesville Boulevard. Due to the rate the traffic travels along there, it might not be safe to have some types of business retail operating along this site. The existing zoning is wise and he supports the current zoning.

Sandy Reitz supported Dr. Beymer's comments and added this location next to Milford Hills makes her support the existing zoning.

Robert Cockerl made the following Motion. "The Planning Board finds and determines that denial of an ordinance to rezone TM&P 333-016 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and hereby recommends Denial." Albert Stout seconded the motion and statement of consistency with all members voting AYE. (9-0)

This case will not go forward to City Council because Betty Bills did find the Planning Board to be correct in their recommendation and withdrew the request for rezoning. She also observed that the buffer requirement will decrease the amount of buildable space.

Dr. Beymer made a motion to return Nathan Chambers to the dais and all agreed.

2) <b>Z-01-07</b>	City of Salisbury
Address:	123 & 129 N. Shaver St.; 515, 525 & 527 E. Council St.; and an Unnumbered E. Council Street and Unnumbered E. Innes Street
Tax Map-Parcel(s):	019-087, 019-088, 019-089, 019-090, 019-092, 019-093, 019-097
Size / Scope:	Approximately 2.3 acres, encompassing 7 parcels
From:	R-6 (Duplex Residential) and B-6 (General Business) districts
To:	PSP (Public/Semi-Public) district

Tommy Hairston joined the meeting during this presentation.

The petition area consists of several vacant parcels that back up to existing business located along E. Innes Street. The vacant parcels front onto E. Council Street and are located across from several single-family or two-family structures on the other side of E. Council Street.

**Proposed Zoning:** The public/semi-public district (PSP) is intended primarily as a district for uses of a public or semi-public nature. It is on parcel (019-088), as well as two others (019-

087 & 019-089), that a new Rowan County EMS station is proposed. The City of Salisbury Fire Station 51 property extends the length of the block and has been added to this rezoning petition because of its public purpose.

Development in the PSP district will be required to provide an A-buffer yard (8') against the abutting B-6 district. Where the same district abuts another, an A-buffer yard (8') is also required.

**Existing Zoning:** The two-family residential district (R-6) is intended primarily as a residential district including detached single-family houses. Duplexes, along with their customary accessory buildings and structures, the R-6 establishes areas for a density of development relative to the lot size requirements of this district.

The general business district (B-6) is for the location of business for the retailing of merchandise and for carrying on professional and business services and limited wholesaling and manufacturing as well as places for public assembly.

#### ADJACENT LAND USES AND ZONING

<i>Location</i>	<i>Existing Land Uses</i>	<i>Existing Zoning</i>
North of property	Mix of Residential and Vacant	R-6
East of property	Commercial office and restaurant	B-6
South of property	Commercial office and restaurant across E. Innes St.	B-6
West of property	Mix of Residential and Commercial	B-6

#### *Salisbury 2000 Strategic Growth Plan*

**Policy 7.1** *The protection and rehabilitation* of viable neighborhoods shall be encouraged to insure their continued existence as a major housing source and as a reflection of the long-term quality of life in Salisbury.

The Park Avenue Neighborhood is one of our fragile historic neighborhoods seeking reinvestment and redevelopment. The fact that the B-6 district currently extends through to E. Council Street is a situation that must be addressed in the future. It is important to lessen the zoning intensity as you leave E. Innes Street and enter the neighborhood.

As part of the proposed Land Development Ordinance, the B-6 district is proposed to convert to Highway Business (HB) while the PSP is proposed to convert to Residential Mixed-Use (RMX).

*Those speaking in opposition—none*

*Those speaking in favor—none*

Lou Manning stated that the Park Avenue Neighborhood Board is in favor of this rezoning because the proximity to the fire station and the services to the neighborhood are complimentary. Mr. Manning went further to make a statement of consistency and a MOTION: "The Planning Board finds and determines that rezoning petition Z-01-07 is consistent with the goals, objectives, and policies of the Strategic Growth Plan and the Vision 2020 Comprehensive Plan, and is consistent with the Park Avenue Neighborhood Plan, and hereby recommends approval." Dr. Beymer seconded the motion with all members voting AYE. (10-0) Brian Miller had stepped out of the meeting.

## **B. Group Developments**

- Staff Presentation
- Courtesy Hearing
- Board Discussion
- Motion

- 1) **G-01-07 Bost Development Company, Inc.**  
121 W. 13<sup>th</sup> Street  
Tax Map 004, Parcel 098, Zoning B-6 w/GD-A Overlay

Mr. Robert Bost submitted the application for the construction of a 1,000-square-foot addition to the existing facility which is located at 121 W. 13<sup>th</sup> Street. Proposed landscaping has been evaluated by the Staff Review Committee. The Committee has approved the use of alternate methods of compliance by allowing the required plantings to be distributed throughout the site. Required parking is allowed on adjacent properties due to being of the same ownership. The Technical Review Committee recommends approval of the application as submitted to the Planning Board.

No one spoke in opposition or in favor of the proposal. Diane Young made a MOTION to approve G-01-07 as submitted. Albert Stout seconded the motion with all members voting AYE. (10-0)

Brian Miller returned to the dais.

**2) G-06-68 Catawba College/Partners in Learning**  
 2300 West Innes Street  
 Tax Map 001, Parcel 011, Zoning CU

Ms. Norma Honeycutt of Salisbury submitted the application for the construction of an additional 1,887-square-foot building to the existing daycare facility located on the Catawba College campus at 2300 W. Innes Street. All required parking and landscaping exists. The college will close the existing right-of way. The Technical Review Committee recommends approval of the application, as submitted, to the Planning Board.

Lou Manning made a MOTION to recommend approval of G-06-08 with the closing of the right-of-way. Dr. Mark Beymer seconded the motion with all members voting AYE. (11-0)

**3) G-11-68 Livingstone College – Student Housing & Learning Center**  
 701 West Monroe Street  
 Tax Map 008, Parcel 133, Zoning CU

Mr. Gene Mustin of Greensboro, submitted the application for the construction of a 235-unit dormitory and a learning center with a combined total of 62,750 square feet. The site is located on the campus of Livingstone College at 701 W Monroe Street. The TRC has reviewed the site plan and makes the following recommendations:

- Locate the compactor on the site where it is not as prominent to the street.
- Install a 5-foot wide pedestrian sidewalk with wheelchair ramps along Partee Street beginning at the intersection of Monroe and extending to the western most driveway.

They do not have to provide parking to this contiguous location; also, freshmen are not permitted to have automobiles.

No one spoke in opposition.

*Those speaking in favor:*

Mr. Gene Mustin, PE of Borum, Wade and Associates P.A., 621 Eugene Court, Suite 100, Greensboro, NC 27401-2711—spoke on behalf of the site plan. His company would be willing to provide additional screening or plantings around the compactor area. It is in a useable location with no grading or topography issues and is wheelchair accessible. It is very serviceable for the trucks that provide service. He would prefer to keep it there if possible.

Mr. Mustin described the interior sidewalks and handicapped accessible routes. Eleven parking spaces that staff recommended have been included in the plan.

Maurice DeBerry, Chief Executive Officer of Sweetwater Companies, 310 Elm Street, Suite C, Greensboro, 27401–stated that the construction of the facility meets a specific mission statement. Sweetwater Company was not retained to make road improvements outside of the campus; this would be outside the construction budget and does not improve the quality of life for the students. He hoped to move forward with the construction plans as they are.

#### *Board Discussion*

Brian Miller asked David Phillips to review the screening requirements for the dumpster area. David said a fence made of material that is compatible with adjacent buildings, or planted vegetation, or a combination of the two is required. Preston Mitchell added that the compactor is an aesthetic issue that extends beyond the site. Albert Stout said that it has been consistent for the city to recommend adequate screening and positioning so that they are not an eyesore. Nathan Chambers agreed with Mr. Stout and hoped it could be moved to the rear of the building. Diane Young felt “we have turned our back on Partee Street.” There are over 200 homes here and it is important to provide those residents with constructive avenues. The Board and the City is promoting pedestrian access and a walkable community so this should all be addressed.

Brian Miller said this would be a great site for the sidewalk priority index. Preston Mitchell said he could score this area. Lou Manning reminded the board that sidewalks have recently been installed on Horah Street to promote walking to local retail and service areas. Brian Miller followed by saying sidewalks and screened dumpsters are a part of the Salisbury vision.

Sandy Reitz made a MOTION for the Planning Board to recommend approving the site plan as presented with the two staff recommendations.

- Locate the compactor on the site where it is not as prominent to the street. (Ms. Reitz added either screening or moving the dumpster)
- Install a 5-foot wide pedestrian sidewalk with wheelchair ramps along Partee Street beginning at the intersection of Monroe and extending to the western most driveway.

Albert Stout seconded the motion.

Ms. Reitz stated she also desires to have the scoring of the sidewalks prepared for City Council. Sidewalks are a high priority and they do improve the quality of life for students, particularly for freshmen who will not have cars.

Nathan Chambers said he would vote against the motion only because he did not feel that the proposed buffering of the dumpster would be sufficient. He would be more inclined to approve if based on the staff recommendation. Diane Young agreed with Mr. Chambers and believes there is a way to move the dumpster.

Voting in favor of the motion were Albert Stout, Valarie Stewart, Sandy Reitz, Robert Cockerl, Price Wagoner, and Tommy Hairston. Voting against the motion were Diane Young, Dr. Mark Beymer, Lou Manning, Brian Miller, Nathan Chambers. The motion was approved (6-5).

This will proceed to City Council Tuesday, February 20, in the Council Chamber.

## COMMITTEES

### A. Reports

1. The Rules of Procedures Committee (Brian Miller, Lou Manning, Valarie Stewart, Diane Young, and Mark Beymer) met January 26, 2007, at 8 a.m. in the first floor conference room and offered Planning Board their recommendation for Chair (Mark Beymer) and Vice Chair (Diane Young). There were no nominations from the floor. If asked by City Council, Diane Young will accept another term on the Planning Board. Planning Board will vote on this recommendation at the first meeting in March (13).
2. Committee 3 (Diane Young, Mark Beymer, Tommy Hairston, and Nathan Chambers) met Tuesday, January 30, at 8 a.m. in the first floor conference room to discuss the possible reconstruction of the Planning Board.

Diane Young reported that they did not feel they needed to change the Planning Board, but if the size of the Planning Board was reduced, they would reduce the number by one to 11 members. An odd number would be better than an even number and is most consistent with parliamentary procedure. A quorum would then be six instead of seven. The committee reported that they like the diversity of the current Planning Board.

Albert Stout stood by his previous comment that City Council should be the entity having this discussion and not the Planning Board, since City Council appoints the Planning Board. No action was taken.

The committee also discussed changing the meeting time from 4 to 5:30 p.m. This could help board members to arrive on time and it could be better for the public participation. Albert Stout believed that the time change was not an issue assigned to the committee and it was out of their boundary for recommendation. Planning Board members knew what time the meetings would start when they were asked to serve. Dr. Beymer thought it was something worth discussing. Diane Young thought that the later time would be more inclusive for the community. Nathan Chambers added that employers are not always willing to let someone leave work early to come to meetings.

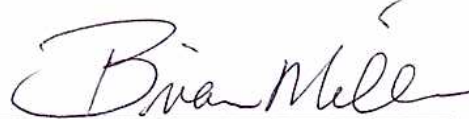
A time change would not go to City Council; it would be a change in the Rules of Procedure. No action was taken.

## OTHER BOARD BUSINESS

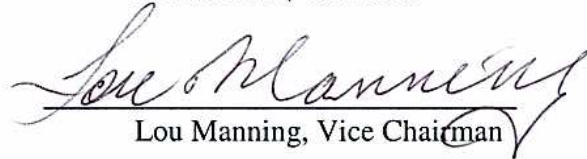
- Brian Miller thanked Rowan County Commissioner Tina Hall for attending the meeting.
- Albert Stout thanked Brian Miller for his leadership. Dr. Beymer agreed and there was a nod of agreement from other Planning Board members.
- Preston Mitchell reported that the City Council adopted the Sidewalk Prioritization Plan. Staff will use the 18 tiles of the city map and begin scoring all the street segments. Once it is scored, Planning Board will receive a copy for review.
- One of the clarification changes in the state law was that Planning Board was given a 30-day time limit to review zoning and text amendments. The "Institute" has given a clarification on the 30-day rule. "The planning board must be given 30 days to review a rezoning or text amendment." It is not a 30-day window.

The next Planning Board meeting is February 27, 2007.

There being no further business to come before the Planning Board, the meeting was adjourned at 5:54 p.m.



Brian Miller, Chairman



Lou Manning, Vice Chairman



Secretary, Diana Moghrabi